

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

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| Inventor: | Christian WENGERTER, et al. | Art Unit 2618 |
| Appln. No.: | 10/578,262 | Exr. B. Safaipoor |
| Filed: | May 4, 2006 | Conf. No. 2098 |
| For: | TRANSMISSION POWER RANGE SETTING DURING CHANNEL ASSIGNMENT FOR INTERFERENCE BALANCING IN A CELLULAR WIRELESS COMMUNICATION SYSTEM | |

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

In response to the pending Restriction Requirement, Applicants hereby elect Group I, Claims 45-72 and 78-80.

Applicants respectfully request withdrawal of the Restriction Requirement. No unduly extensive or burdensome search would be required to examine the various claims of the noted Groups in the same application. MPEP §803 states:

"If the search and examination of an entire application can be made without serious burden, the Examiner *must* examine it on the merits even though it includes claims to distinct or independent inventions." (Emphasis added)

In the present case, the search for all pending claims together would not be burdensome.

Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Restriction Requirement is

maintained, it is clear that there is substantially more burden on Applicants by imposing the present Requirement than on the Patent Office if the Requirement were withdrawn.

In addition, it is noted that to require the claims of the various Groups to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, to review closely related subject matter.

Therefore, withdrawal of the Restriction Requirement is warranted.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,

/James Edward Ledbetter/

Date: November 9, 2009

James E. Ledbetter
Registration No. 28,732

JEL/cks

ATTORNEY DOCKET NO. 007725-06108

DICKINSON WRIGHT, PLLC

1875 Eye Street, NW, Suite 1200

Washington, DC 20006

Telephone: (202) 457-0160

Facsimile: (202) 659-1559

DC 7725-6108 145630